

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WARREN CHAN,

Plaintiff,

vs.

PAN WESTERN CORP., et al.,

Defendants.

Case No. 2:10-cv-01317-KJD-PAL

ORDER & ORDER TO SHOW CAUSE

(Mtn for OTSC- Dkt. #35)

This matter is before the court on Plaintiff Warran Chan's Motion for an Order to Show Cause (Dkt. #35). Plaintiff requests the court enter an order to show cause why Defendants Pan Western Corp., Mitchell Truman, and Charles Ring ("Defendants") should not have default judgment entered against them on Plaintiff's Complaint and have their counterclaims dismissed for failure to comply with the court's Order (Dkt. #34).

On July 6, 2011, attorney Matthew L. Johnson moved to withdraw from representation of Defendants. *See* Motion to Withdraw (Dkt. #31). The court allowed counsel to withdraw and directed Defendants Truman and Ring to either retain new counsel who should file a notice of appearance or file a notice that they would proceed *pro se*. Because a corporation cannot appear except through counsel, the court directed Defendant Pan Western Corp. to retain new counsel who should file a notice of appearance in accordance with the requirements of the Local Rule of Practice. The court directed each Defendant to comply on or before August 22, 2011. No Defendant has complied with the court's order or requested an extension of time.

Additionally, Plaintiff states that Defendants Truman and Ring have not responded to discovery requests propounded upon them by Plaintiff on August 26, 2011. On September 7, 2011 counsel for Plaintiff communicated by email with Defendants Truman and Ring inquiring whether they had retained counsel and requesting in the alternative that they consent to entry of judgment against them. However,

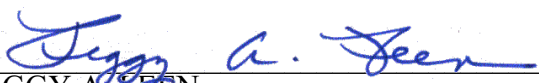
as of the date this motion was filed no response was received. Counsel for Plaintiff served this motion on the Defendants and their last counsel of record, and asks that the court enter default against the Defendants for their failure to comply with the court's order.

Having reviewed and considered the motion and the documents on file,

IT IS ORDERED:

1. Plaintiff's Motion for an Order to Show Cause (Dkt. #35) is GRANTED to the extent that an Order to Show Cause is entered and DENIED in all other respects.
2. Defendant Pan Western Corp. shall show cause, in writing, **no later than November 7, 2011**, why sanctions should not be imposed for its failure to retain substitute counsel and for its failure to comply with this court's Order (Dkt. #34).
3. Defendants Mitchell Truman and Charles Ring shall show cause, in writing, **no later than November 7, 2011**, why sanctions should not be imposed for their failure to either retain substitute counsel or file a notice that they would proceed *pro se* and for their failure to comply with this court's Order (Dkt. #34).
4. Failure to timely comply with this Order may result in a recommendation to the District Judge that sanctions, up to and including entry of default judgment, be entered against the Defendants be imposed.

Dated this 21st day of October, 2011.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE